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MINISTRY OF LAW

New Delhi, the 22nd May, 1958/Jyaistha 1, 1880 (Saka)

THE ARMED FORCES (ASSAM AND MANIPUR)
SPECIAL POWERS ORDINANCE, 1958

No. 1 OF 1958

Promulgated by the President in the Ninth Year of the
Republic of India.

An Ordinance to enable certain special powers to be conferred
upon members of the armed forces in disturbed areas in
the State of Assam and the Union territory of Manipur.

WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take
immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to promul-
gate the following Ordinance:—

1. (1) This Ordinance may be called the Armed Forces (Assam
and Manipur) Special Powers Ordinance, 1958.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Assam and the Union
territory of Manipur.

(3) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,—

Definitions.

(a) "armed forces" means the military forces and the air
forces operating as land forces, and includes any other armed
forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein but not defined and defined in the Air Force Act, 1950, or the Army Act, 45 of 1950. 1950, shall have the meanings respectively assigned to them in 46 of 1950. those Acts.

Power to
declare areas
to be distur-
bed areas.

3. If the Governor of Assam or the Chief Commissioner of Manipur is of the opinion that the whole or any part of the State of Assam or the Union territory of Manipur, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, he may, by notification in the Official Gazette, declare the whole or any part of the State or Union territory to be a disturbed area.

Special
powers of
the armed
forces.

4. (1) Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,—

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or

explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary.

5. Any person arrested and taken into custody under this Ordinance shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest. Arrested persons to be made over to the police.

6. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Ordinance. Protection to persons acting under Ordinance.

RAJENDRA PRASAD,
President.

G. R. RAJAGOPAUL,
Addl. Secy. to the Govt. of India.

